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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,044	06/25/2003	Bobby John Anderson	5152-001	3689
24112	7590	08/24/2004	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,044

Applicant(s)

ANDERSON ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-19 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,5,7-9,17 and 19 is/are rejected.
7) ☒ Claim(s) 6,10-16,18 and 22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7-9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4338045, Cour.

In regards to claim 1, Cour discloses a securing device comprising:

a) a hold-down member (3) and applies a downward force; and
b) the hold-down member comprising a flexible strap having first and second ends (3c1, 3c2) that secure to the ground on opposing sides of a sewer inlet;

ground penetrating members (21, 22) to secure the first and second ends of the flexible strap to the ground; and

wherein the flexible strap including grommets in the first and second ends to receive the ground penetrating members.

In regards to claim 5, Cours discloses the ground penetrating members comprising ground stakes adapted to pass through the grommets in the first and second ends of the flexible strap.

In regards to claim 7, Cours discloses the flexible strap being adjustable (by bending it) in length.

Art Unit: 3679

In regards to claim 8, Cours discloses a hold-down block (4) interposed between the hold-down member and the sewer drain line.

In regards to claim 9, Cours discloses the hold-down block comprising a surface shaped to conform to the sewer drain line.

In regards to claim 17, Cours discloses a hold-down block interposed between the hold-down member and the sewer drain line.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4844121, Duke.

In regards to claim 19, Duke discloses a method (col. 2, line 35 through col. 3, line 28) of securing a sewer drain line for a recreational vehicle within a sewer inlet, the method comprising:

- a) passing a hold-down member (24) over the top (of the circumference) of the sewer drain line, the hold-down member comprising a flexible strap having opposing ends;
- b) securing the opposing ends of the hold-down member to the ground on opposing sides of the sewer inlet such that the hold-down member applies a downward securing force to the sewer drain line; and
- c) wherein the flexible strap includes grommets at each the opposing end and is secured to the ground stakes passing through the grommets.

Allowable Subject Matter

Claims 6, 10-16, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/3/2004 have been fully considered but they are not persuasive. The Applicant argues:

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by each of the patents to Kirk, Cours, and Thomas, and claim 19 under 35 U.S.C. § 102(b) as being anticipated by Duke. However, the Examiner indicated that claims 4-6 and 21-22 contained allowable subject matter. As such, Applicant has amended claims 1 and 19 to include the subject matter of allowed claims 2-4 and 20-21, respectively. Claims 2-4 and 20-21 are now cancelled. Claims 5-8 and 22 have been amended such that they now depend directly from their respective independent claim. No new matter has been added. Accordingly, Applicant respectfully requests the allowance of claims 1, 5-19, and 22.

The Examiner disagrees. The Examiner's indication of claims 4-6 and 21-22 containing allowable subject matter was a typographical error. Page 3-4 and 6 of the last office action clearly rejects the "allowable subject matter". Therefore, Cour and Duke meet all claim limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd

ERIC K. NICHOLSON
PRIMARY EXAMINER